

BOARD OF SELECTMEN
August 3, 2009

I. Call to Order/Roll Call

Chairman Alex Vispoli called the Regular Meeting of the Board of Selectmen to order at 7:00 P.M. in the Selectmen's Conference Room at the Town Offices. Present were: Chairman Vispoli and Selectman Teichert – Y, Selectman Stabile – Y and Selectman Lyman – Y. Also present: Town Manager Reginald Stapczynski and Town Clerk Randy Hanson. Selectman Major arrived at 7:08 P.M. The meeting was duly posted and cable-cast live.

III. Opening Ceremonies

Chairman Vispoli asked for a Moment of Silence with special remembrance for Jerry Silverman, former Selectman, community volunteer and dear friend to the Town, who recently passed away. The Moment of Silence was followed by the Pledge of Allegiance.

III. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

- Compost permits for Bald Hill are now available at a cost of \$25 per resident and \$1,000 for businesses. Information on permits can be found on the Town Website at www.andoverma.gov.
- The Department of Public Works reported that the solid waste tonnage is declining and with that, hopefully recycling is increasing. There is a position open on the Recycling Committee and interested persons should contact the Town Manager's Office. Information on committee openings is also available on the Town Website.
- The Main Street Project is coming to a close with final paving to begin as soon as the brick walkways are completed.
- Congratulations to Chris Cronin of the Highway Department who has earned the status of Roads Scholar by completing all necessary coursework.
- Congratulations to the Department of Public Works Water Department for receiving the New England Waterworks Association "Utility of the Year" Award.

Selectman Teichert reported that the School Building Committee is scheduled to meet on Wednesday, August 12th at 8:00 A.M. in the Board of Selectmen's Meeting Room.

Selectman Stabile said the Town Yard Task Force is meeting on Wednesday, August 19th at 7:30 A.M. in the Selectmen's Meeting Room. The RFP has been finalized and is to be sent out this week.

Selectman Lyman said the Board received a letter from Richard Laverde recognizing Michael Burke, Director of Veterans' Services, for helping his son, Christopher, a Marine who is stationed in Iraq. The Board commended Mr. Burke for his efforts.

Chairman Vispoli said the website for the I-93 Project has been updated to include the Purpose and Need Statement. Mr. Vispoli also reported that the Information Technology Committee has received seven responses to their RFP.

Selectman Major requested that the Board of Selectmen minutes for June and July be posted on the Town Website.

IV. Citizens Petitions and Presentations

John Pasquale, 47B Whittier Street, praised the Town Manager for lowering the Town flags to half-mast in memory of Jerry Silverman. Mr. Pasquale also asked for a clarification on the status of the removal of bricks and chairs at Old Town Hall and inquired where the funds will come from. The Town Manager said the funds have been appropriated. Mr. Pasquale is also concerned about the downtown construction and the effect it is having on local businesses. The Town Manager said he and other Town personnel met and discussed the issues with the Business Center Association.

Mary Carbone, 3 Cyr Circle, asked the Town Manager when she could expect to receive the maintenance expense information for the Youth Services Office on Pearson Street previously requested.

V. Regular Business of the Board

A. Street Light Shut Off

DPW Director Jack Petkus gave a brief presentation on the proposed street light shut offs throughout the Town for a cost savings of approximately \$48,000 for year one and \$150,000 per year after year one. He distributed a list of the 626 street lights to be turned off of the approximately 1600 street lights in Town. Mr. Petkus stated that Safety Officer Edgerly looked at every light in Town to determine which lights could be turned off, left on, or if the wattage could be reduced. The list of lights to be turned off is also available on the Town's website. Selectman Lyman asked that the listing be available on the Memorial Hall Library website as well as in the local newspapers. Chief Pattullo said the lights at intersections will remain illuminated as well as those around schools and areas considered safety hazards.

Mary Carbone, 3 Cyr Circle, requested a public hearing be scheduled. John Pasquale, 47B Whittier Street, said timing is important and many residents are not around in August to express their concerns. He also said the lights around the Ballardvale and West Andover Fire Stations should be left on. Chief Pattullo will double-check to make sure they are.

The Board discussed the timing of the turn off of lights and the importance of communicating the turnoff time to residents so they are aware of the change especially for the Fall season. The Board will vote on the proposal prior to the Tri-board meeting on August 17th.

B. FY-10 Budget

The Town Manager reported on the FY-10 Budget and the related revenue shortfall of \$2M. He noted that Finance Chair Joanne Marden, School Committee member Dennis Forgue and the School Business Administrator David Keniston were in the audience and invited their comments. Mr. Stapczynski distributed copies of his recommendation of the four points that need to be addressed which include: increasing the meals tax by 0.75%, the hotel/motel tax by 2%, shared reductions in operating budgets by the Town (35%) and School Department (65%), that the School Department use \$981,113 of Federal Stimulus IDEA Grant Funding to offset any reduction in Circuit Breaker reimbursement by the State for FY10 and, finally, for the Town and School Departments to implement necessary service and personnel reductions as soon as possible. The Town Manager is recommending a Special Town Meeting be scheduled for August 31st to vote on the increase in the meals tax and the hotel/motel tax in addition to the October 7th Special Town Meeting.

Selectman Lyman requested that a discussion on the use of the school buildings by the DCS and Merrimack Junior Theatre and like groups be scheduled. This is a source of revenue producing ventures. The Board asked Selectman Lyman to gather information on expenses that would incur for building use.

Selectman Stabile asked if the Finance Committee and School Committee received the communication and recommendation letter and if they had any comment or feedback. School Committee member Dennis Forgue said they are not ready to address the issue tonight but noted that the IDEA money does not address the item listed on page one of two of the FY 2010 Budget Deficit Update and Recommendation letter from the Town Manager. Selectman Stabile said it is important to note that of the \$1,956,000 deficit which includes the \$500,000 unfunded School appropriation, the Town is assuming 35% of the \$500,000.

The Board discussed the pros and cons of having two Special Town Meetings. It was explained that if they wait until October 7th to vote on the Meals/Hotel/Motel tax increases they would lose four months of revenue. Finance Chair Marden said they would not have time to communicate information, complete warrant articles, or schedule the necessary meetings to move the October 7th meeting to August 31st. The Town Manager is requesting the Board approve the August 31st Special Town Meeting to give the community the option to vote on the increase of the meals/hotel/motel taxes.

A discussion ensued with members of the audience on the additional tax burden that will be levied upon small businesses in Town on top of the increases by the State. The Board recognizes the plight of the businesses but faced with significant reductions in Town services, it would be fiscally irresponsible to not present this option to residents to vote on.

Selectman Lyman motioned to instruct the Town Manager to schedule a Special Town Meeting on Monday, August 31st at 7:00 P.M at the Collins Center and to insert in the Warrant the following two articles:

Article 1: Local Option Meals Excise Tax. To see if the Town will vote to accept Massachusetts General Laws Chapter 64L, Section 2 (a) to impose a local meals excise tax, or take any other action related thereto; and

Article 2: Local Option Room Occupancy Excise Tax. To see if the Town will vote to amend its local room occupancy excise tax under Massachusetts General Laws Chapter 64G, Section 3A to the rate of six (6) percent, or take any other action related thereto.

The motion was seconded by Selectman Stabile, voted 3-2 and approved. Selectman Major and Vispoli voted in the negative.

C. Local Option Taxes

Selectman Lyman motioned to open the Warrant and to insert Local Option 1 and Local Option 2 as listed:

Article 1: Local Option Meals Excise Tax. To see if the Town will vote to accept Massachusetts General Laws Chapter 64L, Section 2 (a) to impose a local meals excise tax, or take any other action related thereto; and Article 2: Local Option Room

Occupancy Excise Tax. To see if the Town will vote to amend its local room occupancy excise tax under Massachusetts General Laws Chapter 64G, Section 3A to the rate of six (6) percent, or take any other action related thereto.

The motion was seconded by Selectman Teichert, voted 4-1 and approved.

Selectman Lyman motioned to close the Warrant. The motion was seconded by Selectman Stabile, voted 4-1 and approved.

Selectman Stabile motioned the Board execute the required signatures on the Preliminary Board of Selectmen Positions on the FY10 Budget Deficit communication dated July 31, 2009 to the School Committee and Finance Committee. Selectman Major seconded the motion. The motion was voted 5-0 and approved.

D. Future Meeting Schedule

The Board will meet prior to the August 17th Tri-board meeting at 6:30 P.M. They also scheduled future meeting dates for Monday, September 14th and September 21st; and Monday, October 5th and October 19th.

VI. Approval of Consent Agenda Items

A. Appointments and Re-Appointments

Selectman Stabile motioned to approve the following appointments as recommended by the Town Manager. The motion was seconded by Selectman Teichert, voted 5-0 and approved.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY SERVICES</u>			
Michael P. Bakies	Lifeguard – PT	C2A	7/20/09
Cameron K. Lownie	Lifeguard – PT	C2A	7/20/09
Shilpi Ranjan	Enrichment Instructor – PT	***	9/29/09
*** Varies with course/program			
<u>YOUTH SERVICES</u>			
Christopher Byrne	Counselor – PT	C2B	7/1/09
<u>FIRE RESCUE</u>			
Kevin J. Connors	Deputy Chief (v. R. Hartman)	H561-1-5	7/29/09
John S. Ronan	Lieutenant (v. K. Connors)	G730-1-4	7/29/09
<u>PRESERVATION COMMISSION</u>			
Craig D. Gibson – Term expires 6/30/10 (v. L. Smiledge)			

B. Andover Days

Selectman Lyman motioned to approve the request of Betsy Powers, President of the Andover Business Center Association, for permission to conduct Andover Days in the

downtown business district on Saturday, October 3, 2009 to include a ribbon cutting in recognition of the completion of the Main Street Improvement project. She is requesting permission to close Main Street from Elm Square to Punchard Avenue, Park Street from Main Street to the end of the town House and Barnard Street from Main Street to the end of the Town House on Saturday, October 3rd from 8:00 A.M. to 5:00 P.M. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Stabile, voted 5-0 and approved.

C. Block Parties

Selectman Major motioned to approve the request of David Gilbert, 8 Yale Road, for permission to block off his street from #1 to #8 on Saturday, August 29, 2009 (rain date – Sunday, August 30, 2009) from 11:00 A.M. to 8:00 P.M. for a neighborhood block party.

Selectman Major motioned to approve the request of Pat Scanlon, 34 Washington Avenue, who is requesting permission to block off his street on Saturday, September 12, 2009 (rain date – Sunday, September 13, 2009) from 10:00 A.M. to 10:00 P.M. for a neighborhood block party. Both requests have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

D. Road Race

Selectman Stabile motioned to approve the request of Veryl D. Anderson, R.N., and Executive Director of The Professional Center for Child Development, 32 Osgood Street, Andover, for permission to conduct their annual “Trot for Special Tots” Road Race through the streets of Andover on Sunday, October 18, 2009 beginning at 10:00 A.M. at the Center. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Lyman, voted 4-0-1 and approved. Selectman Major abstained.

E. DCS Yard Sale

Selectman Teichert motioned to approve the request of Mary Donohue, Community Services Director, for permission to use The Park on Saturday, September 26, 2009 (rain date – Sunday, September 27, 2009) from 7:00 A.M. to 2:00 P.M. for their annual Fall Yard Sale. Arrangements have been reviewed and approved with conditions by the Police Department. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

F. One-Day Beer & Wine License

Selectman Lyman motioned to approve the request of Allison Blount, on behalf of Andover School of Montessori, 400 South Main Street, Andover, who is applying for a one-day beer & wine license for use on Saturday, September 12, 2009 from 6:00 P.M. to 9:00 P.M. for a New Family Welcome Dinner at the School. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The motion was seconded by Selectman Stabile, voted 5-0 and approved.

G. One-Day Beer & Wine License

Selectman Stabile motioned to approve the request of Ann Marie Wilde, Post office Box 3066, Andover, who is applying for a one-day Beer & Wine license for use on Saturday, October 10, 2009 from 7:00 P.M. to 11:00 P.M. for the AHS Class of 1974 Class Reunion at the Town House. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the

issuance of the license. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

VII. Approval of Minutes from Previous Meetings

Selectman Major motioned to approve the Minutes of the Regular Meeting of July 6, 2009. The motion was seconded by Selectman Lyman, voted 5-0 and approved.

The Selectmen discussed opening the process to fill the vacancy on the Greater Lawrence Technical School District Committee for the remaining term open by the passing of Jerry Silverman. The Town Manager will send a letter to the Chair of the School Committee and include the item on the agenda for August 17th Tri-Board meeting with the goal to select a replacement for the start of the new school year. The information for the position will be placed on the Town Website.

VIII. Adjournment

Selectman Stabile motioned to adjourn the Regular Meeting of August 3, 2009. The motion was seconded by Selectman Major, voted 5-0 and approved. The meeting adjourned at 9:09 P.M.

Respectfully submitted,

Dee DeLorenzo
Recorder